

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

ABRAHAM/RASHEEN GRANT/RAKIM
ADC #128147

PLAINTIFF

v.

No. 5:16-cv-305-DPM-JTK

BLAND, Medical Provider, Varner Unit

DEFENDANT


ORDER

1. On *de novo* review, the Court adopts the 7 July 2017 partial recommendation, *No 38*, and overrules Bland's partial objection, *No 43*. FED. R. CIV. P. 72(b)(3). The Court agrees that Grant/Rakim adequately exhausted his claims against Bland in grievance VSM 16-02357. *No 38 at 7-8*. Though Grant/Rakim stated he was filing his informal grievance "on" Wendy Kelley, he also named Nurse Bland and complained about being referred to her instead of a doctor. *No 2 at 6*. Further, nothing in the ADC grievance policy supports rejecting a grievance because the prisoner failed to note that it was medical in nature. In fact, the prison makes the call on whether a grievance is a medical one. *E.g., No 32-1 at 11*.

Grant/Rakim's motion for summary judgment and motion to quash, *No 29 & 37*, are denied. Bland's motion for summary judgment, *No 30*, is denied. Grant/Rakim's claims arising from grievance VSM 16-02357 go forward.

2. On *de novo* review, the Court adopts the 26 July 2017 partial recommendation, *No 46*, and overrules Grant/Rakim's objections, *No 49*. FED. R. CIV. P. 72(b)(3). Grant/Rakim's amended motion for summary judgment, *No 40*, is denied.

So Ordered.


D.P. Marshall Jr.
United States District Judge

22 Sept. 2017